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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,957	11/30/2005	Youichi Zenda	20435/0202684-US0	7457
7278	7590	02/09/2007		
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3679	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/529,957	Applicant(s) ZENDA ET AL.	
	Examiner Nahid Amiri	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2-19 are

~~Claim 10~~ objected to because of the following informalities:

Claim 2, should end with a period; and line 2, "and tightens" should be changed to --tightens--.

Claim 5, line 5, "face" should be changed to --faces--.

Claim 10, line 9, "the fixing portion" should be changed to --the first fixing portion--;
line 8, insert --and-- after semi-colon.

Claim 2-9 and 11-19, line 1, "A member" should be changed to --The member--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, line 4, it is unclear which member applicant is referring to as "each member":
and line 6, which second member is referring to.

Claim 5 there is no antecedent basis for the "the downwardly drawing direction", line 5;
and "the contact face", line 6.

With respect to claims 5 and 11, it should be noted that the preamble of claims 5 and 11 set forth only the member joining device subcombination, with intended use of for connecting the first member to the second member. As initially set forth, the elements of the combination

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are not positively included in the claims. However, claim 5, lines 2-3 and claim 11, lines 1-2, positively includes the elements of the combination (e.g., claim 1, the first member and another second member and claim 11, the first member and the second member). Accordingly, it is unclear as to whether the combination or subcombination is being claimed. For this Office action, it is presumed that only the subcombination is being claimed.

Claim 10 there is no antecedent basis for the “the first member and the second member”, lines 1-2; “the predetermined position”, line 3 and lines 7-8; and “the projecting portion”, line 5. Further, isn’t the “screw” of line 11, same as “drawing means” of line 10 or differs.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

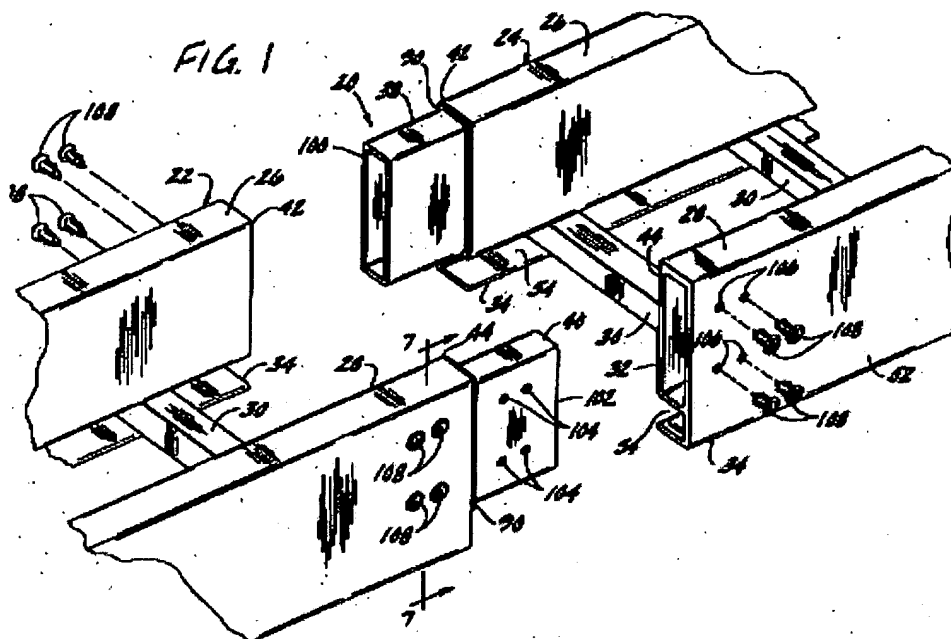
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Patent No. 5,465,929 Dooley.

With respect to claims 1 and 4, Dooley discloses a member-joining device (Fig. 1) to connect a first member (28) having a pair of opposing walls and a second member (28) having a pair of opposing walls, comprising a first bridge member (108) for spanning the gap or for intervening between the opposing walls of said first member at a predetermined position of said first member (28); a second bridge member (108) for spanning the gap or for intervening between the opposing walls of said second member (28) at a predetermined position of said second member; and a drawing means (40) for drawing the first and second bridge members (108) in the direction where both are close to each other; wherein said first and second members (28) are pressed and connected by a drawing force based on said drawing means (40); wherein the first and second members (28) have a square pipe shape.



Allowable Subject Matter

Claims 2, and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 2, lines 1-3, the prior art does not show or suggest that the drawing means draws tighten the first and second bridge members by utilizing a screw forwarding mechanism. With respect to claim 3, lines 3-6, the prior art of record does not show or suggest that the drawing means draws said first bridge member and said second bridge member together by penetrating a screw into a penetrating screw hole formed in either said first bridge member or said second bridge member and screwing said screw into a threaded screw hole provided in the other.

Claims 5-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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With respect to claims 5-9, the prior art of record does not show or suggest that the second members adjacent to each end of the first member are connected through the first member; each second member opposes each other and has a pair of slightly beveled contact face in the downwardly drawing direction; and an end face of said second member is pressed to the contact face of the first member to join the first and the second members (claim 5, lines 2-7).

Claims 10-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

With respect to claims 10-19, the prior art of record does not show or suggest a member-joining device having a first fixing portion having a screw hole provided on the projection portion of the position determining means; a second fixing portion having a screw penetrating hole provided on the predetermined position of said second member; a drawing means for drawing the fixing portion and the second fixing portion by screwing a screw; wherein the drawing means sets a line connecting said first fixing portion and said second fixing portion so that a divisional force to slide said first member and said second member along their contact face is generated by the drawing force; said position determining means restricts a sliding movement to effect the position determining means (claim 10, lines 1-15).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The prior art of record US Patent No. 4,557,467 Lin; US Patent No. 4,691,818 Weber; US Patent No. 5,078,534 White; US Patent No. 5,769,460 Imai; US Patent No. 5,501,542 Hall, Sr.; US Patent No. 6,676,326 B2 Wu; US Patent No. 5,127,762 Haviovitz; US Patent No. 6,474,747 B2 Beaulieu et al.; US Patent No. 5,906,451 Goto; are cited to show a joining device between first and second members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone

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are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nahid Amiri
Examiner
Art Unit 3679
January 30, 2007



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600